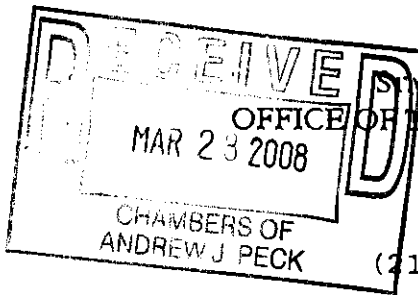




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STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ANDREW M. CUOMO
Attorney General

CRIMINAL DIVISION
FEDERAL HABEAS CORPUS SECTION

(212) 416-6173

March 28, 2008

Hon. Andrew J. Peck
United States Magistrate Judge
Southern District of New York
120 Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 1370
New York, NY 10007-1312

MEMO ENDORSED *p2*

Re: Carvajal v. Artus, 07 Civ. 10634 (CM) (AJP)

Your Honor:

I am an Assistant Attorney General in the office of Andrew M. Cuomo, Attorney General of the State of New York, attorney for respondent in the above-referenced matter. By order dated February 15, 2008, Your Honor granted respondent's first request for an enlargement of time to March 31, 2008 to respond to the petition. When Your Honor granted respondent's first request, Your Honor indicated that further extensions were "extremely unlikely."

At about the time that Your Honor granted respondent's first request for an extension of time, my mother was admitted to a New York area hospital. She spent several weeks in the Intensive Care Unit and was thereafter transferred to the Palliative Care Unit. Within the last two days, she was taken off a ventilator, and her condition has worsened. I fear the worse, and it is important that I be at the hospital with my mother and my family.

Although I have attempted to draft respondent's papers and prepare them for filing in accordance with Your Honor's Order, I am concerned that I will not be able to complete respondent's papers over the weekend and that I will not be in the office on

Hon. Andrew J. Peck, U.S.M.J.

March 28, 2008

Page 2

Monday. To complicate matters further, contemporaneous with drafting the papers in this case, I have been editing an appellee's brief that is to be filed in the Second Circuit on April 4, 2008. The scheduling order in that case has already been modified, on consent, and due to my family's ongoing medical crisis.

For all of these reasons, it is respectfully requested that respondent be given a further extension of time to April 14, 2008 to file a response. Mr. Carvajal is incarcerated and I have not spoken to him regarding this request.

I thank Your Honor for your consideration. Although respondent is requesting an extension to April 14, 2008, I would be grateful for any extension that Your Honor would grant at the difficult time.

Respectfully submitted,

Thomas B. Litsky
Thomas B. Litsky (TL-8976)
Assistant Attorney General
120 Broadway
New York, NY 10271

cc: Alvaro Carvajal
96-A-2380
Clinton Correctional Facility
P.O. Box 2002
Dannemora, NY 12929

MEMO ENDORSED 3/28/08

Extension to 4/14 granted.

SO ORDERED:

[Signature]
Hon. Andrew Jay Beck
United States Magistrate Judge

BY FAX

Mr. Carvajal
Mr. Litsky
Joe Dickstein

FAX TRANSMITTAL SHEET



**ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT**

Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933
Telephone No.: (212) 805-0036

Dated: March 28, 2008

Total Number of Pages: 3

TO	FAX NUMBER
Thomas B. Litsky, Esq.	212-416-6009

TRANSCRIPTION:

MEMO ENDORSED 3/28/08

Extension to 4/14 granted.

**Copies to: Alvaro Carvajal
Judge Colleen McMahon**